

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LAWRENCE SMITH,

Plaintiff,

-against-

YELLOW BOOK USA,

Defendant.
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ORDER

CV 06-5599 (JS)(ARL)

LINDSAY, Magistrate Judge:

By letter dated May 9, 2007, the defendant seeks an order compelling the plaintiff to respond to its First Request for the Production of Documents and First Set of Interrogatories. According to the defendant, these requests were served on February 1, 2007 and, to date, no responses have been provided. Defendant represents that despite its letters to plaintiff's counsel dated March 15, 2007 and April 16, 2007 regarding these disclosures, the responses remain outstanding. In addition, defense counsel represents that a telephone message left for plaintiff's counsel during the week of May 1st has not been returned. Accordingly, the defendant seeks an order compelling immediate an response to these requests together with reasonable expenses (including attorney's fees) incurred in making this application. The plaintiff has not responded to the application.

The motion to compel is granted as unopposed. The plaintiff shall serve his responses by **May 25, 2007**. The application for an award of costs is denied at this time. Plaintiff is warned that a failure to comply with order will lead to sanctions, including an award of costs.

Dated: Central Islip, New York
May 21, 2007

SO ORDERED:

/s/
ARLENE R. LINDSAY
United States Magistrate Judge